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SERVICE DATE – NOVEMBER 5, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 415X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY–ABANDONMENT EXEMPTION–IN CAVALIER COUNTY, ND

Decided: November 4, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 20.93-mile line of railroad between BNSF milepost 74.07 near Langdon and milepost 95.00 near Hannah, in Cavalier County, ND. Notice of the exemption was served and published in the Federal Register on May 21, 2004 (69 FR 29348). The exemption became effective on June 22, 2004.

By decision served June 21, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to five environmental conditions. One of the conditions that was imposed required BNSF to submit site forms for three bridges that were 50 years old or older and the final cultural resources report to the State Historical Society of North Dakota (the State Historic Preservation Office or SHPO), prior to beginning salvage activities.¹

¹ The June 21 decision also imposed the following environmental conditions that required BNSF to: (1) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers; (2) prior to beginning any salvage activities, consult with the National Resources Conservation Service regarding measures to minimize impacts to prime farmlands and wetlands; (3) revegetate areas impacted by salvage activities with species native to the area; and (4) during salvage activities, follow Best Management Practices to prevent dirt, construction debris and waste material from entering a storm drainage system or water body. By decision served on July 29, 2004, an additional environmental condition was imposed that required BNSF to consult with the North Dakota Department of Health, Environmental Health Section, regarding any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during salvage activities. These conditions remain in effect.

By letter dated October 4, 2004, BNSF has informed SEA that it submitted the final archaeological report to the SHPO, including site forms for the three bridges, and requests that the historic condition be removed. In support of its request, BNSF has attached a letter from the SHPO indicating that it concurs with the finding that no historic properties would be affected by the proposed abandonment.

SEA states that, based on the information provided, it has concluded that no historic properties will be affected by the abandonment. Therefore, SEA recommends that the historic preservation condition imposed in the June 21, 2004 decision regarding the three bridges be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the historic preservation condition imposed in the June 21, 2004 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary